

REMARKS

In the non-final office action dated October 16, 2006, claims 1 – 17, 20 – 34, and 37 – 39 have been rejected under 35 U.S.C. § 102(b), as allegedly being anticipated by Blinn et al. (U.S. Patent No. 6,058,373). Claims 18, 19, 35, and 36 have been rejected under 35 U.S.C. § 103(a) based upon the rejection of the independent claims.

Blinn calculates and modifies a customer's order as a whole. (*See* Col. 3, ll. 15 – 13). In fact, all computations and modifications disclosed in Blinn operate on an "order." (*See* Fig. 3, Fig. 11, and Fig. 12). Blinn does not teach the use of static and dynamic calculators for making price calculations to determine the amount to be paid by the consumer for an item.

The Examiner asserts that applicants' claim 1, as of August 7, 2006, "does not recite making modifications to the price to be paid by a customer for items in an order, rather the claim makes modification to the complete order as a whole." (Page 2, Office Action of October 16, 2006).

Applicants believe that the claims submitted on August 7, 2006 are directed to price modifications to items in an order. However, applicants have amended independent claims 1, 20 – 26, 31, 34, and 37 to further clarify that the price modifications referenced in the claims apply to the price for items, not a customer's order as a whole. Support for this amendment appears throughout the specification as filed, *e.g.*, page 3 ("Once a price is determined ... a response is provided to the customer with a specific price for that item."), page 5 ("[D]iscount calculators determine what, if any, discounts are to be applied to the item."), and page 8 ("The target is the particular item or items that will be discounted."). In addition, item pricing may occur outside of a customer order. *See* page 4 ("For example, the items engine may display dynamically discounted prices to a customer as the customer browses the site, before the customer has indicated a desire to purchase anything.").

Based upon the foregoing discussion, applicants respectfully submit that the claims of this application are not anticipated or rendered obvious by Blinn.

Applicants have amended claims 1, 5 – 9, 12 – 14, 20 – 23, and 31 to particularly point out and distinctly claim the subject matter which applicants regard as the invention, and not to overcome any prior art rejections.


No new matter has been added by the amendments.

Applicants submit that the present amendment places the application in condition for allowance and request expedited notification of such allowance.

The Director is hereby authorized to charge any payments that may be due in connection with this reply to Wilmer Cutler Pickering Hale and Dorr LLP Deposit Account No. 08-0219.

Respectfully submitted,

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Wendy Haller Verlander
Reg. No. 35,177
Attorney for Applicant

Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, Massachusetts 02109
(617) 526-6005 (Telephone)
(617) 526-5000 (Facsimile)